

BEST AVAILABLE COPYRemarks

Claims 1, 3-5, 9-26, 28-30 and 34-37 are pending in the application. All claims stand rejected. Claims 24, 36, and 37 have been cancelled. New claim 38 has been added. Reconsideration of all pending claims is respectfully requested.

Independent claims 1 and 19 stand rejected under 35 U.S.C. § 103(a) as being anticipated by United States Patent No. 5,815,197 to Kakii ("Kakii") and in view of JP 07-0131697 to Takeo et al ("Takeo"). Claim 1 is amended to include the limitations of the camera portion including a non-stretchable transparent material and a fixation portion including a stretchable opaque material extending along the majority of the loop. Support for these limitations is found on page 7, lines 18-30.

Kakii and Takeo alone or in combination do not teach or suggest a loop having both a non-stretchable transparent material and a stretchable opaque material. The two separate materials serve different functions: the non-stretchable transparent material to extend over a screen, and the stretchable opaque to extend around a display and provide a conforming, frictional engagement.

Kakii and Takeo do not teach or suggest a loop having two different materials. This follows as the camera support mechanism in the respective references serves a purpose requiring a singular material characteristic, not two characteristics. In Kakii, the camera support mechanism extends across a screen and the mechanism is preferably transparent (column 14, lines 39-46). There is no teaching for the mechanism to extend around any other area of a monitor other than the screen. Thus, there is no need for two different materials, one transparent and the other opaque.

In Takeo, the holder band extends around a human head and no consideration is given for a transparent portion. A non-stretchable, transparent material does not conform well to a user's head which would be uncomfortable and cause the holder band to slip.

Kakii and Takeo do not provide motivation to combine the references and, in fact, teach away from one another. Even if all the elements of claim are disclosed in the various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention.

Headbands typically are formed of a single material for a uniform fit and comfort. A headband composed of two or more different materials having different characteristics creates an uncomfortable, non-uniform fit. This is certainly the case where one material is stretchable and opaque and the other is non-stretchable and transparent. In Takeo, there is certainly no suggestion or motivation to have a headband of two different materials with different properties. In Kakii, only a support mechanism of a single material is considered. There is no motivation to incur the added fabrication step of combining two different materials to form a single, flexible support.

Furthermore, Kakii discloses a device for videoconferencing which must be mounted to an output device and must be stationary. There is no teaching or suggestion in Takeo of using the head-mounted camera for videoconferencing. Videoconferencing with a head-mounted camera is certainly not an effective

technique and does not provide practical results. Although the examiner states that Takeo discloses the camera being attached to a tree or pillar, such application is not useful in videoconferencing. As can be appreciated, a user wearing a headband and camera assembly may wish to position the camera so as to be included in a picture. Such actions have nothing to do with videoconferencing and are merely to allow a user to enter a camera's field of view. For videoconferencing, a camera must be used in conjunction with a visual output device. Because the Takeo camera is not mounted to an output device, Takeo teaches away from Kakii and the present invention. There is no impetus to combine a videoconference camera mount of Kakii with a head-mounted camera of Takeo.

Claim 19 has been amended to include the limitation of a retractor to automatically move the camera from a retracted position to an eye level position upon commencement of videoconferencing. Support is found for this limitation on page 14, lines 11-15. Kakii and Takeo do not teach or suggest such a limitation. United States Patent No. 5,519,597 to Tsai ("Tsai") also does not teach this limitation. Tsai teaches an elevation mechanism for moving a lamp, but has absolutely no teaching for this occurring automatically upon some event. Tsai teaches that the lamp is moved for repairing purposes. Abstract. The elevation mechanism is unable to determine when a repair is required and is to be performed and human intervention is required. As this limitation is not taught by the cited references, claim 19 represents patentable subject matter.

Independent claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-214517 to Takashi ("Takashi") in view of Takeo. Takashi

is similar to Kakii in the teaching of a camera mounted to a display. Claim 9 has been amended, similar to claim 1, to include the limitations of a camera portion including a non-stretchable transparent material and a fixation portion including a stretchable opaque material extending along the majority of the loop.

A loop formed of two fundamentally different materials is a limitation that is not taught by either Takashi or Takeo. As discussed above, the headband of Takeo teaches away from a camera support having transparent and opaque materials. There is no teaching or suggestion in Takashi of the camera attachment having a transparent portion and also formed of stretchable and non-stretchable materials. Takashi teaches a camera support to fix the position and direction of a camera. Takashi's camera support is formed of rigid members of uniform characteristic, and there is no suggestion of using materials of different characteristics. Accordingly, claim 9 represents patentable subject matter over the cited references.

Independent claims 26 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takashi in view of Takeo. As with claims 1 and 9, claims 26 and 34 are amended to include the limitations of a camera portion including a non-stretchable transparent material and a fixation portion including a stretchable opaque material extending along the majority of the loop. For the reasons discussed above, claims 26 and 34 represent patentable subject matter.

Independent claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takashi in view of Takeo. Claim 35 has been amended to include the limitation of a retractor automatically moving the camera from a retracted position to an eye level position upon commencement of videoconferencing. Neither Takashi

or Takeo disclose a retractor to automatically move a camera upon commencement of a videoconference. Automated action in response to a videoconference is further not taught by Tsai.

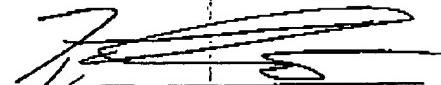
Newly added independent claim 38 includes the limitation of a display attachment coupled to the fixation portion to removably secure the loop to the display to position the camera portion alongside a screen portion of the display. The cited references do not teach a display attachment to removably secure a loop to a display. In Kakii, the support member 110 connects to the unit 6 and does not include a display attachment. In Takashi, a camera 10 is coupled to a camera support 52, but there is no teaching of the support 52 having a display attachment for removable coupling to the display 14. The support 52 rests on top of the display as illustrated. In Takeo, the headband certainly does not include an attachment to couple to the user's head. An attachment for coupling the band to the user's head would, at the very least, be uncomfortable and impractical. The limitations of claim 38 are not taught by the cited references.

In view of the foregoing, independent claims 1, 9, 19, 26, 34, 35, and 38 represent patentable subject matter. As the remaining depending claims each include the limitations of their respective independent claim, they likewise represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By


Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.